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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 29 October 2004 from the Permanent Mission of Estonia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Estonia to the United Nations presents its compliments to the secretariat of the Committee, and referring to the note of the Chairman, has the honour to submit herewith the report regarding Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 29 October 2004 from the Permanent Mission of Estonia to the United Nations addressed to the Chairman of the Committee

National report on the implementation of Security Council resolution 1540 (2004)

Republic of Estonia

As Estonia is a member of the EU, reference is made to the EU Common Report that will be transmitted to the Special Committee separately. This EU report covers areas of EU and Community competences and activities in relation to UNSC Resolution 1540 and should be read in conjunction with this national report.

Estonia is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), as well as the Chemical Weapons Convention (CWC), and the Biological and Toxin Weapons Convention (BTWC). Estonia has also ratified the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

By the end of the year 2004, Estonia will ratify and adopt an Additional Protocol to its IAEA Safeguards Agreement.

Estonia is a member of the following export control regime: Nuclear Suppliers Group (NSG) and the Australia Group. Estonia has also applied to join the Missile Technology Control Regime (MTCR) and Wassenaar Agreement.

Estonia is also a supporter of the Proliferation Security Initiative (PSI).

Operative § 1

Decides that all states shall refrain from providing any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Estonia does not provide any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any such support is prohibited under Estonian law.

Operative § 2

Decides also that all States Parties, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

- Penal Code, 2002. Establishes the offence of helping to develop, manufacture, transfer or brokering in nuclear, chemical or biological weapons.

- Strategic Goods Act, 2004 prohibits: the export and transit of weapons of mass destruction, any materials, hardware, software and technology used for the manufacture of weapons of mass destruction, and the export and transit of antipersonnel mines, and services related thereto regardless of their country of destination.

Operative § 3

Decides also that all states shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

a) Develop and maintain appropriate effective measures to account for and secure such items in production, use storage or transport;
and
b) Develop and maintain appropriate effective physical protection measures;

- There is a national register on record keeping of nuclear material.

- Estonia reports about the nuclear material to EURATOM and IAEA.

- By the end of the year 2004, Estonia will ratify and adopt an Additional Protocol to its IAEA Safeguards Agreement.

- Implementation of reporting requirements for all chemicals included in the schedules of the CWC.

c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

- Customs Act, 2004

- European Community Customs Code (EC2913/92)

- Strategic Goods Act, 2004

d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user

controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Main Acts

- The Strategic Good Act entered into force on 5 February 2004. This Act regulates the export of strategic goods and transit thereof through Estonia, the import of military goods, the export of services related to military goods, ensuring control over the import and end-use of strategic goods.

- Penal Code, 2002

- EC Dual-Use Regulation (EC) 1334/2000

- EC Customs Code 2913/92

Secondary legislation

- Processing Terms for Individual Import Licenses, Export Licenses, Transit Permissions, General Export Authorization User Certificates, International Import Certificates, End-Use Certificates and Delivery Verification Certificates for Strategic Goods, Processing Terms and Procedure for State Register of Brokers of Military Goods and List of Documents and Data to be Appended to Requests, Government of the Republic Regulation No. 61 of 9 March 2004.

- Statutes of Strategic Goods Commission Regulation No. 26 of the Government of the Republic of 29 January 2004

- Customs Procedures related to Strategic Goods and Procedure of Intra-Community Transfers, Regulation No. 257 of the Government of the Republic of 22 July 2004.

Operative § 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such list

Estonia wields EU List of Dual Use Goods and considers that no further action is needed.

Operative § 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal regulatory infrastructure, implementation experience and/or resource for fulfilling the above provisions

Estonia recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and Estonia will do its best to assist States, which may require assistance.

Operative § 8

Calls upon all states:

a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

- Estonia has supported and will support in the future all actions taken by EU to promote the universal adoption and full implementation of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological or chemical weapons.

b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

- Penal Code, 2002

Estonia believes that we are fully compliant with our commitments under the key non-proliferation treaties.

c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the IAEA, OPCW, BTWC, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

We continue to provide full support for the aims and activities of the IAEA, OPCW and BTWC.

d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Estonian Commission of Strategic Goods (licensing authority) organizes annually Industry-Government Relations Seminars on Strategic Goods. Ministry of Foreign Affairs maintains correspondent Internet website, where legislative acts, guidelines and application forms are posted.

Operative § 9

Calls upon all states to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.

Estonia is willing to participate actively in outreach activities within the EU and related regimes.

Operative § 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear related materials;

Estonia cooperates with EU and in the framework of the export control regimes, in which we are members. Estonia has also close bilateral collaboration with some partner countries – USA, Germany, United Kingdom and Nordic Countries.